

House Bill 677 (AS PASSED HOUSE AND SENATE)

By: Representatives Bearden of the 68th, Butler of the 18th, and Nix of the 69th

A BILL TO BE ENTITLED

AN ACT

1 To provide for an advisory referendum election to be held in Carroll County for the purpose
2 of determining whether the county governing authority should employ a county manager to
3 conduct the daily business of the county; to provide for the question of whether such a
4 system, if adopted, should include a full-time or part-time chairperson of the county
5 commission; to provide that if the electors approve the employment of a county manager, the
6 county commission shall vote on a resolution requesting the Carroll County legislative
7 delegation to implement the suggestions; to provide that, if such vote is unanimous, the
8 county commission shall transmit a copy of such resolution to each member of the Carroll
9 County legislative delegation; to provide for a declaration of public purpose; to provide for
10 the submission of this Act to the United States Department of Justice for preclearance; to
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
15 superintendent of Carroll County shall call and conduct an election as provided in this section
16 for the purpose of submitting an advisory question to the voters of Carroll County. The
17 election superintendent shall conduct that election on the Tuesday next following the first
18 Monday in November, 2007, and shall issue the call and conduct that election as provided
19 by general law. The superintendent shall cause the date and purpose of the election to be
20 published once a week for two weeks immediately preceding the date thereof in the official
21 organ of Carroll County. The ballot shall have written or printed thereon the words:

22 "() YES Do you favor the employment of a county manager to conduct the daily
23 () NO business of Carroll County?"

1 "() PART-TIME If a county manager is employed to conduct the daily business of
Carroll county, should the position of chairperson of the Carroll
2 () FULL-TIME County Board of Commissioners be a part-time or full-time
position?"

3 All persons desiring to vote for approval of the employment of a county manager shall vote
4 "Yes," and those persons desiring to vote for rejection of the proposition shall vote "No." All
5 persons shall then mark "Part-Time" or "Full-Time" to express a preference of a part-time
6 or full-time chairperson of the Carroll County Board of Commissioners. The expense of such
7 election shall be borne by Carroll County. It shall be the election superintendent's duty to
8 certify the result thereof to the Secretary of State.

9 SECTION 2.

(a) If a majority of the votes cast at the advisory referendum election provided for in Section 1 of this Act are in favor of the employment of a county manager, then the Carroll County Board of Commissioners shall consider a resolution requesting the Carroll County legislative delegation to enact local legislation approving the employment of a county manager and adopting the electors' expressed preference for either a part-time or a full-time chairperson.

(b) If the Carroll County Board of Commissioners unanimously adopts the resolution provided for in subsection (a) of this section, the chairperson of the commission shall cause a copy of such resolution to be transmitted to each member of the Carroll County legislative delegation.

20 **SECTION 3.**

21 It is found, determined, and declared that the holding of the advisory referendum election
22 provided for in this Act is in all respects for the benefit of the people of Carroll County and
23 is for a public purpose and is an essential governmental function for which public funds may
24 be expended.

25 **SECTION 4.**

26 The governing authority of Carroll County shall through its legal counsel cause this Act to
27 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
28 such submission shall be made to the United States Department of Justice or filed with the
29 appropriate court no later than 45 days after the date on which this Act is approved by the
30 Governor or otherwise becomes law without such approval.

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SECTION 5.

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All laws and parts of laws in conflict with this Act are repealed.